



PATENT
Attorney Docket No. 402090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MISHRA et al.

Group Art Unit: 1617

Application No. 09/376,487

Examiner: E. Webman

Filed: August 18, 1999

For: INJECTABLE AQUEOUS DISPERSION
OF PROPOFOL

#25

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☒ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
- ☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
- or*
- ☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References

- ☒ Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- ☐ A copy of the foreign search report is enclosed herewith.
- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status (<i>check one</i>)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under 37 CFR 1.97(e)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- ☒ **No fee** is owed by the applicant(s).
- ☐ The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

Method of Payment of Fees

- ☐ Attached is a check in the amount of \$.
- ☐ Charge Deposit Account No. 12-1216 in the amount of \$. (A duplicate copy of this communication is enclosed for that purpose.)

Authorization to Charge Additional Fees

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

In re Appln. of Mishra et al.
Application No. 09/376,487

Instructions as to Overpayment


☒ Credit Account No. 12-1216.
☐ Refund

Respectfully submitted,



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LCO:ves

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Substitute for form 1449A/B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	9/376,487
Filing Date	August 18, 1999
First Named Inventor	MISHRA
Group Art Unit	1617
Examiner Name	E. Webman
Attorney Docket Number	402090

U.S. PATENT DOCUMENTS

Examiner Initials	Doc. No.	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
		Application or Patent Number	Kind Code			
	1	4,056,635		Glen et al.	11/1/1977	
	2	4,280,996		Okamoto et al.	7/28/1981	
	3	4,309,421		Ghyczy et al.	1/5/1982	
	4	4,340,594		Mizushima et al.	7/20/1982	
	5	4,687,762		Fukushima et al.	8/18/1987	
	6	4,837,028		Allen	6/6/1989	
	7	4,880,634		Speiser	11/14/1989	
	8	4,895,726		Curtet et al.	1/23/1990	
	9	5,023,087		Yau-Young	6/11/1991	
	10	5,100,591		Leclef et al.	3/31/1992	
	11	5,320,906		Eley et al.	6/14/1994	
	12	5,527,537		Dietl	6/18/1996	
	13	5,827,520		de Salvart	10/27/1998	
	14	5,827,536		Laruelle	10/27/1998	
	15	5,880,148		Edgar et al.	3/9/1999	
	16					

FOREIGN PATENT DOCUMENTS


Examiner Initials	Doc. No.	Foreign Patent Document			Name of Patentee or Applicant	Date of Publication	Translation	
		Office	Application or Patent Number	Kind Code			Yes	No**
	17	DE	25 13 797		ICI Ltd.	10/9/975		X+
	18	DE	29 38 807		Green Cross Corp.	11/13/1980		X+
	19	DE	3421 468		Rentschler Arzenimittel	12/19/1985		X+
	20	EP	052 322		Gersonde Klaus Prof Dr	5/26/1982		X+
	21	EP	057 829		Fullard	8/18/1982		
	22	EP	272 091		Vestar, Inc.	6/22/1988		
	23	EP	330 532		Fournier Innovation Synergie	8/30/1989		X+
	24	EP	391 369		Yissum Research Dev.	10/10/1990		
	25	EP	418 153		Medgenix Group SA	3/20/1991		X+
	26	EP	456 670		Braun Melsungen AG	11/21/1991		X+
	27	EP	456 764		Braun Melsungen	11/21/1991		X+
	28	EP	499 299		Sterling Winthrop Inc.	8/19/1992		
	29	EP	535 567		Braun Melsungen AG	4/7/1993		X+
	30	EP	570 829		Hans	11/24/1993		X+
	31	EP	601 618		Sterling Winthrop Inc.	6/15/1994		
	32	EP	602 700		Sterling Winthrop Inc.	6/22/1994		
	33	EP	724 877		Fournier Lab SA	8/7/1996		X+
	34	EP	757 911		CLL Pharma	2/12/1997		X+
/	35	EP	770 387		B. Braun Melsungen AG	5/2/1997		
	36	EP	770 381		Oreal	5/2/1997		X+

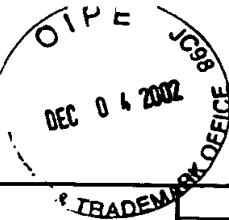
Examiner Signature

Date Considered

* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

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Sheet 2 of 2

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		Office	Application or Patent Number	Kind Code			Yes	No**
	37	EP	814 787		AstraZeneca AB	1/7/1998		
	38	EP	1 238 677		AstraZeneca AB	9/11/2002		
	39	FR	2 265 357		ICI Ltd.	10/24/1975		X+
	40	FR	2 617 047		Sanofi SA/Fournier Labs.	12/30/1988		X+
	41	JP	55-141407		Nattermann A & CIE	11/5/1980		X+
	42	JP	56-167616		Green Cross Corp.	12/23/1981		X+
	43	JP	60-208910		Green Cross Corp.	10/21/85		X+
	44	JP	63-502117			8/18/1988		X+
	45	JP	63-233915		Besutaa Res. Inc.	9/29/1988		X+
	46	JP	1-502590		Liposome Tech. Inc.	9/7/1989		X+
	47	HU	211 580		Egis Gyogyszergyar Rt.	12/28/1995		X+
	48	PCT	WO 85/00011		The University of Miami	1/3/1985		
	49	PCT	WO 87/04592		Liposome Tech. Inc.	8/13/1987		
	50	PCT	WO 91/04011		Riker Labs., Inc.	4/4/1991		
	51	PCT	WO 93/19736		Kabi Pharmacia AB	10/14/1993		
	52	PCT	WO 94/20072		Pharmacia AB	9/15/1994		
	53	PCT	WO 96/01637		Astra Aktiebolag	1/25/1996		
	54	PCT	WO 96/19064		Xcellenet, Inc.	6/20/1996		
	55	PCT	WO 96/21439		Galephar P.R. Inc.	7/18/1996		
	56	PCT	WO 96/29064		Zeneca Ltd.	9/26/1996		
/	57	PCT	WO 97/10814		Vesifact AG	3/27/1997		
	58	PCT	WO 97/14407		Research Triangle Pharmaceuticals	4/24/1997		
/	59	PCT	WO 98/53805		Saucy Ltd.	12/3/1998		
	60	PCT	WO 99/39696		Gensia Sicor Inc.	8/12/1999		
	61	PCT	WO 00/10531		RTP Pharma Inc.	3/2/2000		
	62	PCT	WO 00/24376		Abbott Labs.	5/4/2000		
	63	PCT	WO 00/54588		Krusz	9/21/00		
/	64	PCT	WO 00/59471		Baxter International, Inc.	10/12/2000		
/	65	PCT	WO 00/59472		Baxter International, Inc.	10/12/2000		
/	66	PCT	WO 00/78301		Kuhnle Pharm. Co. Ltd.	12/28/2000		
	67	PCT	WO 01/30372		BASF Aktiengesellschaft	5/3/2001		X+
	68	PCT	WO 02/21517		Zeon Corp.	3/14/2002		X+
	69	UK	2 046 094		A. Nattermann & Cie	11/12/1980		
	70	UK	2 250 197		Egis Gyogyszergyar	6/3/1992		
	71	UK	2 298 789		Zeneca Ltd.	9/18/1996		

Examiner Signature

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